

**622 C-3 HEAVY COMMERCIAL / LIGHT MANUFACTURING DISTRICT**

**622.01 Purpose.** This district is intended for the location of heavy commercial and light manufacturing activities.

**622.02 Use Regulations.** Buildings, structures or premises shall be used and buildings and structures shall be erected, altered or enlarged only for the uses listed below. All other uses not specifically listed or determined to be similar to those described below shall be deemed prohibited and unlawful.

**A. Permitted Uses and Structures**

1. Administrative, business and executive offices.
2. Appliance sales and repair and hardware stores.
3. Auction houses.
4. Automobile, truck, trailer, boat, camper, farm implement and machine, recreational vehicle and motorcycle sales and services, including rental agencies, general repair and washing. Outside display of such vehicles or similar merchandise shall be screened from adjacent residentially-zoned properties. Lighting of the display area shall be reduced to the minimum necessary for security purposes after the hours of operation. Average lighting intensity on-site shall not exceed one (1) foot candle.
5. Automobile Repair, General (also in association with vehicle sales and rentals).
  - a. The following activities are prohibited:
    - (1) Dismantling of vehicles or machinery for the sale of parts (auto salvage).
  - b. Activities are not restricted to enclosed buildings, except for the following:
    - (1) Frame work or major body or fender work.
    - (2) Machining and fabrication .
- c. Unscreened outside storage of vehicles is allowed if awaiting repair, or if not in prominent view of public right-of-way and otherwise screened from adjacent residentially zoned properties.
6. Auto parts stores.
7. Bicycle and moped shops.
8. Blueprint and photocopy services.
9. Body and fender shops within a closed building.
10. Bottling plants confined to a closed building.
11. Car washes.
12. Cleaning and dyeing plants within closed buildings.
13. Commercial kennels within a completely enclosed, sound-proofed building.
14. Commercial trade or vocational schools.
15. Contractors yards.
16. Craft shops, including work, storage, equipment yards and custom fabrication (e.g. welding).
17. Dancing, art, business schools.
18. Frozen food lockers.
19. Furniture stores, including sales, repair, refinishing and upholstery.
20. Janitorial services and supplies.
21. Laundry and dry cleaning pickup and delivery and self service laundries.
22. Lumber yards, prohibiting milling and planing.
23. Mortuaries.
24. Newspaper and magazine printing and publishing.
25. Nurseries and garden supply stores.

26. Parking facilities.
27. Pet shops and pet grooming, supplies and feed stores.
28. Printing shops.
29. Public storage (mini-storage) facilities.
30. Public utility and public service offices, substations, pumping plants, repair and storage facilities and similar installations, not including water tanks.
31. Radio Stations (commercial) without on-site transmitting towers or without roof-mounted satellite, receive-only earth stations.
32. Retail uses.
33. Restaurants, including sale of alcoholic beverages.
34. Shoe stores, sales and repair.
35. Sign painting shops within a closed building.
36. Swimming pools and spa sales and service.
37. Single family residence established as an integral part of the commercial building for exclusive use by the owner, operator or caretaker of the business.
38. Stone and monument yards.
39. Tailor shops.
40. Taxidermists.
41. Television and radio sales and service.
42. Tire sales and service.
43. Vehicular storage yards (not including auto wrecking yards). Unscreened outside storage of vehicles is allowed if not in prominent view of public right-of-way and if otherwise screened from adjacent residentially-zoned properties.
44. Veterinarian offices and animal hospitals with enclosed, sound-proofed kennels.
45. Warehousing.
46. Accessory uses and structures located on the same site as a permitted use.

1. Small animal hospitals with outdoor runs, pens and cages.
2. Foundries.
3. Public utility water tanks.
4. Accessory uses and structures located on the same site as a conditional use.
5. Non-profit fund-raising activities that are not conducted within permanent structures and occur on a more frequent basis than provided for under Section 407 are subject to the conditional use permit provisions of Section 402.

C. Adult Uses, in conjunction with permitted or conditional uses in this district. In order to prevent possible adverse secondary effects associated with the establishment of adult uses, including neighborhood deterioration and blight, increase in criminal activity, and diminution in surrounding property values, all adult uses shall be subject to the provisions of Section 402 (conditional use permits) except as otherwise provided in this section.

1. A conditional use permit application for any proposed adult use shall be submitted pursuant to the provisions of Sections 402.02 A and B, including the procedures described therein for a preapplication consultation and application submittal requirements. After the filing of a conditional use permit application for a proposed adult use with the Community Development Department, the Director shall within fifteen (15) days of filing of the application, determine if the application is complete. If the application is found to be incomplete, the Director shall immediately inform the applicant in writing, by certified mail, of the reasons thereof. The Director shall process any resubmitted application in accordance with the same requirements applicable to the processing of the original application. An applicant may appeal the Director's determination that the application is incomplete to the Board of Adjustment pursuant to section 404.10.

B. Uses subject to Conditional Use Permit

2. No conditional use permit application for any proposed adult use shall be deemed complete unless the Director has determined that all of the following conditions exist:

- a. No other adult use is located within one thousand (1,000) feet of the proposed adult use.
- b. The proposed adult use, if established, would not be located within three hundred (300) feet of the following protected uses, provided such protected uses are established on or before the date an application for the proposed adult use is filed:
  1. a public or private day nursery or preschool;
  2. elementary, middle, or secondary school;
  3. instructional school, if a majority of the student's population are minors at the time application is made for the adult use permit;
  4. vocational high school;
  5. public park or trailhead;
  6. teen dance center;
  7. game center;
  8. amusement park;
  9. public library;
  10. church, synagogue or temple; or
  11. community buildings or recreational facility not publicly owned (such as Boys and Girls Club, YMCA, etc.)
- c. The proposed adult use, if established, would not be located within three hundred (300) feet of any of the following zoning district boundaries: RS-5A, RS-70, RS-36, RS-35, RS-18a, RS-18b, RS-12, RS-10a, RS-10b, RS-6, RMH-12, RMH-10, RMH-6, RM-1, RM-2, RM-3, MH, PRD, CN, OP, RC, PD, CF, OS or NF unless a petition requesting waiver of this requirement, signed by fifty-one (51) percent of those persons residing, thirty (30) days or more, within a three hundred (300) foot radius of the proposed location and by fifty-one (51) percent of those non-governmental owners who own uses listed in paragraph 2.b within a five hundred (500) foot radius of the proposed location is received and verified by the Director. In such cases, the Planning and Zoning Commission may waive conditions 2.b. and 2.c.

3. For purposes of this section, streets and other thoroughfares adjacent to the

zoning district boundaries specified in paragraph 2.c shall themselves be considered within such district boundaries.

Measurements to determine whether the proposed adult use is within 1000 feet of any other adult use shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest exterior wall of any other adult use.

Measurements to determine whether the proposed adult use is within 300 feet of a zoning district boundary shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest edge of the zoning district boundary.

Measurements to determine whether the proposed adult use is within 300 feet of any use identified in 2.b above shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest point of lot boundary.

Measurements to determine whether the proposed adult use is within 300 feet of any recreational area, park, or trailhead shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest edge of the nearest public right-of-way, public parking, public access or fenced area associated with the recreational area, park or trailhead.

Measurements involving a proposed adult use and any use identified in 2a or 2b above, both located on the same multi-tenant parcel, shall be measured from the nearest point of the exterior wall of the proposed adult use to the nearest point of the exterior wall of any use identified in 2a or 2b above.

4. Following acceptance of a complete application, the Director shall conduct a formal review and prepare a report which shall be submitted to the Planning and Zoning Commission and made available to the applicant, media, and general public seven (7) calendar days prior to the public hearing. Notice of hearings shall be given the same manner as provided in Section 402.04.

5. Action of the Planning and Zoning Commission regarding the conditional use permit application shall be in accordance with Section 402.05 based upon the findings in 402.06 and in addition, the Planning and Zoning Commission shall also find that the granting of such conditional use permit would not endanger the public health, safety or welfare by significantly increasing the likelihood of one (1) or more of the following:

- a. Hazards to the public health arising from the creation of a sanitary nuisance.
- b. Illegal conduct in the areas surrounding the proposed adult use.
- c. Adverse impacts on surrounding property resulting from an unusual volume or character of vehicular or pedestrian traffic.
- d. Substantial and demonstrable diminution of the market value of surrounding property.

6. The decision of the Planning and Zoning Commission shall be final fifteen (15) days from the date of the decision unless, prior to the expiration of that period, an appeal has been filed with the Director.

7. Notwithstanding the provisions of Section 402, all conditional use permits for adult uses shall be subject to the following conditions:

- a. All exterior doors shall remain closed during business hours.
- b. All materials, projections, entertainment or other activities involving or depicting "specified sexual activities" or "specified anatomical areas" shall not be visible from off-premise areas or from portions of an establishment accessible to minors.
- c. Sound from projections or entertainment shall not be audible from off-premise areas.

8. An applicant whose complete application for a conditional use permit for an adult use has been denied by the Planning and Zoning Commission or approved by the Planning and Zoning Commission, but subject to conditions unacceptable to the applicant shall have the right to appeal to

City Council as provided in Section 402.08.

9. Each of the provisions of this Section, including each of the findings set forth in Section 402.06 and subsection 5.a-d above, shall be severable, and a judicial determination that any such provision is invalid on Federal or State constitutional grounds, or otherwise, shall not affect the validity of:

- a. Any other provisions; or
- b. Any determination by the Planning and Zoning Commission insofar as it is based on any provision not determined to be invalid.

10. These provisions shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

D. Uses subject to Temporary Use Permit. Any use prescribed in Section 407.

**622.03 Approvals Required** Prior to the construction of physical improvements and the issuance of a building permit, Development Review approval shall be obtained as outlined in Section 401. Where required, conditional use permits shall be obtained as outlined in Section 402 and temporary use permits shall be obtained as outlined in Section 407.

**622.04 Property Development Standards.** The following property development standards shall apply to all permitted land and building uses:

A. Lot Area. Each lot shall have a minimum lot area of ten thousand (10,000) square feet.

B. Lot Dimensions

1. All lots shall have a minimum width of sixty (60) feet.

2. All lots shall have a minimum depth of one hundred (100) feet.

C. Lot Coverage. Maximum lot coverage shall not exceed twenty five (25%) percent.

D. Floor Area Ratio shall not exceed .50.

E. Yards

1. Front yards - There shall be a front yard of not less than fifteen (15) feet in depth.
  2. Interior side yard - An interior side yard is not required except wherever a lot abuts a lot in any residential zone.
  3. Exterior side yard - There shall be an exterior side yard of not less than ten (10) feet.
  4. Rear yard - A rear yard is not required except for parking and maneuvering and wherever a lot abuts a lot in any residential zone.
  5. A minimum building setback of twenty (20) feet shall be required wherever a lot abuts a lot in any residential district.
- F. Access. All lots shall have frontage on and vehicular access from a dedicated street unless other frontage and/or permanent vehicle access has been approved by the Director. Each building site shall have a minimum width, easement or right-of-way for access of twenty (20) feet.
- G. Distance Between Buildings. There shall not be less than ten (10) feet between an accessory building and a main building or between two (2) buildings.
- H. Accessory Structures. Accessory structures and architectural features shall comply with the requirements of Article 9.
- I. Height and Screening Regulations. All buildings, structures, walls and fences shall comply with the provisions of Article 9.
- J. Color and Materials. The exterior color and materials of all buildings, structures, walls and fences shall comply with the provisions of Article 9.
- K. Utilities. Utilities shall be provided in compliance with the provisions of Article 9.
- L. Trees. Trees shall be preserved and planted to comply with the provisions of Article 9.
- M. Outdoor Lighting. Outdoor lighting shall comply with the provisions of Article 9.
- N. Landscaping. The landscaping provisions of Article 9 shall apply.
- O. Off-street Parking. Off-street parking shall comply with the provisions of Article 9.
- P. Signs. Signs shall comply with the provisions of Article 11.
- Q. Design Standards. The provisions of Article 10 shall apply as administered through the Development Review process of Article 4.